

# **EXHIBIT I**

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- TIM HUTCHINSON -  
  
UNITED STATES DISTRICT COURT  
  
SOUTHERN DISTRICT OF NEW YORK  
  
-----X  
  
FOX, ET AL.,  
  
                    Plaintiffs,  
  
                    v.                    CIVIL CASE NO.  
  
                                    1:19-CV-04650-AJN-SN  
  
  
STARBUCKS CORPORATION,  
  
                    Defendant.  
  
-----X  
  
DATE:  September 1, 2020  
  
TIME:  10:00 A.M.  
  
  
                    VIDEOCONFERENCE DEPOSITION OF TIM  
  
HUTCHINSON, pursuant to Notice, before Hope  
  
Menaker, a Shorthand Reporter and Notary Public of  
  
the State of New York.

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2 I was going to be running two of them, not that I  
3 knew it at the time.

4 Q. Could you describe generally what  
5 your duties and responsibilities were as a  
6 district manager in the SoHo district?

7 A. I'm the full P&L owner responsible  
8 for managing that business with a business owner  
9 mindset.

10 I was responsible for the day-to-day  
11 operations, the people and partners in those  
12 stores, the concerns they had, customer issues,  
13 safety. That was the bulk of my -- my  
14 responsibility.

15 We also had responsibility to our  
16 peers and to our regional director.

17 Q. Were your duties as a district  
18 manager in SoHo substantially the same as the  
19 duties in TriBeCa?

20 A. They were largely the same, yes.

21 Q. At what point in time did you  
22 transition from SoHo to TriBeCa?

23 A. Either late November or early  
24 December of 2017.

25 Q. Do you have an understanding of what

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2 occasioned your transferring at that time?

3 A. My transfer was more a byproduct of  
4 someone else's transfer. We were opening a new  
5 store in Brooklyn, a community store. There was a  
6 district manager at the time running TriBeCa who  
7 grew up in that area, so there was strong intent  
8 on having a district manager in that community  
9 store and the district surrounding it with someone  
10 who grew up in that area and was familiar with it.

11 So moving that district manager  
12 created a -- a kind of a domino of three district  
13 managers changing districts.

14 Q. Who preceded you as district manager  
15 in the SoHo district?

16 A. Oh, I can't remember her name.  
17 Raina. Her first name was Raina. I can't  
18 remember her last name.

19 Q. Do you have an understanding of why  
20 it was that her position became available at the  
21 time that you were made district manager at that  
22 district?

23 A. She accepted another position in the  
24 organization.

25 Q. Who did you report to as your

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2 immediate supervisor in the SoHo district?

3 A. Carla Ruffin.

4 Q. Was she the -- withdrawn.

5 What was Ms. Ruffin's title at the  
6 time you reported to her?

7 A. Regional director.

8 Q. Was she the regional director for a  
9 specific region?

10 A. Yes.

11 Q. What region?

12 A. Again, it had an official  
13 designation. I'm not sure what that number is,  
14 but she oversaw Staten Island, Brooklyn, and  
15 Downtown Manhattan.

16 Q. Did you have any other direct  
17 supervisors, apart from Ms. Ruffin at SoHo?

18 A. No.

19 Q. Who did you report to as your  
20 immediate supervisor in TriBeCa?

21 A. Initially and for most of the time I  
22 was there, it was still Carl Ruffin until she  
23 retired.

24 Q. Following her retirement, who did you  
25 begin to report to?

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2 going on with them, what had gone on recently, the  
3 state of the partners.

4 Q. As far as you know, were the partners  
5 whose pay was negatively impacted by Will repaid  
6 whatever monies they were owed by Starbucks?

7 MS. GOLDSTEIN: Objection.

8 A. My understanding is yes.

9 Q. To your understanding, had all of the  
10 employees in Will's former store who were owed any  
11 money already been paid what they were owed at the  
12 time that you became district manager in TriBeCa?

13 MS. GOLDSTEIN: Objection.

14 A. To my understanding, yes.

15 Q. Did you ever speak with Mr. Fox about  
16 anything concerning unpaid wages that might be  
17 owed to employees who used to work in that store?

18 A. Please say that again.

19 MR. GRAFF: Could the court reporter  
20 read it back.

21 (The question requested was read back  
22 by the reporter.)

23 A. We had a discussion about -- not --  
24 not unpaid wages, no.

25 Q. Did Mr. Fable or anyone else indicate

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2 to you, what individuals had overseen any  
3 investigation into time clock or wage manipulation  
4 by former manager Will?

5 MS. GOLDSTEIN: Objection.

6 A. To my recollection, Les indicated to  
7 me that he had -- he had done a fair amount of the  
8 investigation and he probably involved some  
9 additional resources and also leveraged Rafael Fox  
10 as well.

11 Q. In what sense did he leverage Rafael  
12 Fox, as you understand it?

13 A. You would have to ask Less. I know  
14 that -- I don't know anything specifically because  
15 it was all apparently done by the time I got  
16 there.

17 Q. What was it that Les said to you  
18 about Rafael Fox concerning this issue?

19 A. That all of it had been taken care  
20 of. I was told that there had been an issue. It  
21 had been thoroughly researched and it had all been  
22 taken care of and resolved.

23 Q. Did you ever see any documentation  
24 concerning the resolution of any wage issues  
25 involving Will?

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2 Q. Other than Less and Rafael, did you  
3 have any communication about that subject with  
4 anyone else?

5 A. Not that incident. The subject  
6 itself, time clock manipulation, is something  
7 that's often spoken about as part of the job.

8 Q. When you mentioned a moment ago that  
9 you might have communicated about it with Rafael  
10 Fox, do you actually remember that you did have a  
11 communication with him or you're putting it out  
12 there as a possibility, but you're not sure?

13 A. No, I did have a conversation with  
14 Rafael.

15 Q. Where were you located when you had  
16 that conversation?

17 A. I was in the store, West Broadway and  
18 Leonard.

19 Q. Why were you in the store at that  
20 time?

21 A. I don't remember the purpose. I  
22 don't remember if I came there because Rafael  
23 asked me or if I was there on a store visit. It  
24 was -- it was a part of my job. I don't remember  
25 specifically, though.



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2               Q.       And what was it that Rafael said to  
3       you in that communication?

4               A.       Rafael had brought to my attention  
5       that he was concerned that there were additional  
6       people who had not been paid correctly based on  
7       research that he had done beyond research that was  
8       done for this incident we've been talking about.

9               Q.       Did he provide you with any details  
10      or documentation of his research?

11              A.       I was -- I was in the store with him  
12      for quite a while and he walked me through  
13      the -- the time -- or the time and attendance  
14      software at the time, presumably the same as is  
15      represented in those exhibits. He was walking me  
16      through exception reports. He had a lot of -- a  
17      lot of documentation that he had printed out,  
18      notes that he had taken. I don't remember  
19      specifically, but we spent quite a bit of time  
20      walking through it.

21              Q.       When you say "quite a bit of time,"  
22      could you approximate in minutes or hours?

23              A.       Maybe two hours.

24              Q.       Do you remember the approximate date  
25      when you had that discussion with Mr. Fox?

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2 A. I don't. I don't have the  
3 approximate date. It would have been in the first  
4 30 to 60 days that he and I worked together  
5 because we really only worked together for maybe  
6 three months give or take, but it was -- it  
7 was -- it was very early on. It was probably in  
8 the first 30 days, the first couple of visits I  
9 did to the store.

10 Q. How did you respond to Mr. Fox when  
11 he presented you with this evidence from his  
12 research?

13 MS. GOLDSTEIN: Objection.

14 A. Well, it got my attention. It was  
15 concerning. Any time that somebody's pay is  
16 missing, it -- it's concerning so I had a lot of  
17 questions. I wanted to make -- I wanted to  
18 understand what he had done and how he arrived at  
19 some of the concerns he was expressing.

20 Q. Did you get responsive answers and  
21 information to your questions?

22 A. It was difficult getting answers  
23 because the system the -- the issues that Rafael  
24 was bringing to my attention weren't with  
25 employees of that store; they were with people who

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2 had worked at that store as borrowed employees  
3 going back quite some time period. It was -- I  
4 don't remember exactly, but it -- it was a long  
5 time period that he had looked at and the -- the  
6 reports he was pulling were -- they were flagging  
7 time clock issues.

8 And again sitting and understanding  
9 these things -- the reports were showing errors in  
10 time clocks, so somebody clocking out and  
11 forgetting to clock back in on break or somebody  
12 forgetting to click in or out at all, which is not  
13 terribly uncommon; but the -- the question that  
14 couldn't be answered was does this indicate the  
15 person wasn't paid properly because these -- these  
16 people were employees of other stores and those  
17 issues are normally resolved by their home stores  
18 and when that occurs you don't have visibility to  
19 it in the borrowed store system. He was -- he was  
20 generating reporting and using that system for  
21 something that it really wasn't designed for.  
22 That kind of transparency isn't designed for a  
23 gatekeeping function; it's designed so that we can  
24 share partners. But resolving pay issues were  
25 always done at home stores. But I was concerned;

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2 I was concerned.

3 Q. Did you direct Mr. Fox to take any  
4 further action of any sort after your meeting?

5 A. No. I ex -- expressly asked  
6 him -- I, you know, thanked him for the work that  
7 he had done, but encouraged him to focus his time,  
8 effort, energy on the role that he was occupying  
9 as a store manager; and that -- that I would do  
10 some additional research on my own to make sure  
11 that I was thinking about it correctly, but  
12 ultimately what he was showing me were time clock  
13 errors that wouldn't at all show they were fixed.  
14 These were normal things that were done.

15 Had it been just the employees in  
16 that store and there were issues, then  
17 that's one thing; but these were people who  
18 weren't -- weren't a part of that store. So just  
19 because they had a time clock issue in that store  
20 doesn't mean there was any issue with their pay  
21 and you would have no visibility to know whether  
22 or not it had been taken care of and they'd been  
23 paid properly.

24 Q. After meeting with Mr. Fox what, if  
25 any, further action did you take to look into what

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2       he had showed you?

3               A.       So I went back into the resource  
4       manual we had for the system to make sure that my  
5       understanding was correct and then -- I don't  
6       remember who I asked, but it was one of my peers  
7       and it really was -- I didn't seek them out for  
8       the purpose; we were together either for a meeting  
9       or something and I -- I just wanted to clarify my  
10      understanding which was hey, a store manager  
11      showed me in the system these time clock errors to  
12      borrowed employees but it was going way back, like  
13      that doesn't mean that they weren't paid correctly  
14      and if they been resolved it wouldn't show in the  
15      system; and that was confirmed to me and I just  
16      moved past it at that point because the -- the  
17      system just really wasn't designed for that.

18              Q.       Who is the peer with whom you had  
19      that communication that you just described?

20              A.       I don't even remember. I don't  
21      recall.

22              Q.       Did you discuss Mr. Fox's report and  
23      investigation with Carla Ruffin?

24              A.       No, I - -it was a nonissue for me at  
25      that point.

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2 A. I would never speak about -- as an  
3 agent of the company, if someone called me about a  
4 reference for somebody I worked with prior I  
5 wouldn't speak about work performance. I wouldn't  
6 speak about anything work related.

7 Q. What sort of thing would you speak  
8 about that would fall within that category of a  
9 permissible personal reference?

10 A. Depends on what I was asked. I would  
11 answer the questions that were asked of me.

12 Q. You can put aside the document.

13 Earlier we had talked about the  
14 concern that Mr. Fox raised with you and you had  
15 met in the store and gone over documentation about  
16 potentially unpaid wages to certain workers. Do  
17 you recall that discussion?

18 A. I recall the discussion yes.

19 Q. I know you couldn't quite remember  
20 definitely who you may or may not have spoken with  
21 about that issue. My question now is: Is it  
22 possible that you at any point discussed it with  
23 Tina McDonald?

24 A. No.

25 Q. Is it a possibility you would have

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2 had some communication about it with Carla Ruffin?

3 A. No.

4 Q. Do you remember who you did have a  
5 communication with about that?

6 A. No. It was a peer. It was a peer;  
7 somebody that was familiar with the system that  
8 could confirm my understanding, just to make sure  
9 I wasn't missing something.

10 Q. At this point since it's been a few  
11 hours since it first came up, are you able to  
12 recall the identity of the peer specifically?

13 A. No.

14 Q. Can you recall any identifying  
15 details about that peer?

16 A. No, I don't know that I even  
17 mentioned specifically it was Rafael that had  
18 brought it to me.

19 Q. You don't remember either way?

20 A. I couldn't say one way or another. I  
21 really was just asking for confirmation of my  
22 understanding that the system showing flags of  
23 time clock errors and its meaning and, really, I  
24 just spoke about the system. I don't recall  
25 details, but was a nonissue.

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2 Q. Did you at some point become aware  
3 that a complaint had been filed concerning Fair  
4 Workweek practice at Mr. Fox's --

5 A. Yes. Sorry.

6 Q. -- store?

7 A. Yes, sir, I did.

8 Q. How did you first become aware that?

9 A. I can't really remember truthfully.  
10 I -- I don't remember if I got a call from Carla  
11 or if notification showed up in the store. I  
12 don't -- I don't remember how I first learned it.

13 Q. Do you remember at what point in time  
14 you first learned of it?

15 A. No. I mean -- sometime between early  
16 December, 2017 and February, 2018. I -- I don't  
17 really recall.

18 Q. What, if anything, is the first  
19 involvement that you can remember having in  
20 connection with that complaint?

21 A. I don't really remember my first  
22 involvement. The first thing I recall after  
23 becoming aware of the complaint was becoming aware  
24 that some audits were being done in my stores.

25 Q. Who was conducting those audits?



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2 A. I believe it was Tina McDonald.

3 Q. Did you participate with Tina

4 McDonald at all in her --

5 A. No, I didn't.

6 Q. Did you know who it was who was

7 conducting those audits at your stores?

8 A. Yes.

9 Q. Was that Tina McDonald?

10 A. Yes.

11 Q. To the best of your knowledge, what

12 was Tina McDonald actually doing?

13 A. She was reviewing our compliance  
14 practices and knowledge and engagement of the  
15 store managers related to the recent change in New  
16 York Labor Law.

17 Q. What stores specifically was she  
18 auditing -- or a different question, was she  
19 auditing all of the stores in your district?

20 A. I wasn't aware at the time of all the  
21 stores she had audited or was going to audit. I  
22 remember two stores for sure, but there could have  
23 been more and I don't know if she did more after  
24 that.

25 Q. Which two stores do you remember?

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2 A. The store on 32 Avenue of Americas  
3 and West Broadway and Leonard.

4 Q. I think we already identified West  
5 Broadway and Leonard as the store that Mr. Fox was  
6 manager for. Who was the manager at the 32 Avenue  
7 of the Americas store?

8 A. Kamilla Dorner Jeffers.

9 Q. As far as you know, did Ms. McDonald  
10 Donald audit those two stores that you do remember  
11 at or around the same time?

12 A. I believe those were done at about  
13 the same time and maybe more. I -- I don't recall  
14 specifically.

15 Q. Do you recall at what point in time  
16 those audits took place?

17 A. I don't.

18 Q. Did Ms. McDonald interview you at all  
19 in connection with her audits?

20 A. She didn't interview me. I wasn't --  
21 honestly, I wasn't even aware that they were going  
22 to happen. I became aware after they were  
23 happening and had happened.

24 Q. Who made you aware?

25 A. The store manager would send me a

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2 message and say hey, Tina was here or just in  
3 conversation said oh, by the way, Tina was here.  
4 I found out the day that she was out doing the  
5 audits and I don't remember specifics. I probably  
6 reached out to her and told her to let me know if  
7 she needs anything or if she wanted any assistance  
8 from me, but I don't remember specifically the  
9 communication. I wasn't really a part of the  
10 audits.

11 Q. Did you ever visit any stores  
12 together with Tina in connection with those  
13 audits?

14 A. Not during that time period. We had  
15 spent time in the field on other occasions.

16 Q. Just to be clear; when you say not at  
17 that time period, did you at any time period  
18 participate with Ms. McDonald in connection with  
19 the audits on Fair Workweek compliance?

20 A. No.

21 Q. Were you ever provided any  
22 information about the findings of Ms. McDonald's  
23 audits?

24 A. I was -- I'm trying to remember. I  
25 was given general feedback about the compliance

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2 and the one thing that really I remember that  
3 stands out to me, I mean, there were no stores  
4 perfect, but there were significant concerns  
5 primarily with West Broadway and Leonard both in  
6 the findings of the audit as well as Rafael's  
7 knowledge, forthrightness, participation with the  
8 audit; but I was not given specific examples or  
9 details at that time.

10 Q. Were you ever given further details  
11 about the audit and its conclusions specifically  
12 as to West Broadway and Leonard or Mr. Fox's role  
13 in the audit?

14 A. No, sir.

15 Q. As best you remember, I know you have  
16 only a general understanding, is there anything  
17 else that was concluded with respect to Mr. Fox or  
18 his store that you haven't already referred to  
19 today or described?

20 A. No.

21 Q. Were you given any metrics or hard  
22 data as to compliance issues in particular stores?

23 MS. GOLDSTEIN: Objection.

24 A. No.

25 Q. Did you decide to terminate Mr. Fox's

1 - TIM HUTCHINSON -

2 employment?

3 A. That decision was not made by me.

4 Q. So far as you know, who made that  
5 decision?

6 A. I don't know everyone that was  
7 involved or a part of that decision-making. I was  
8 instructed to deliver the separation.

9 Q. Who instructed you to do that?

10 A. I don't remember specifically. It  
11 would have come either from Carla or from our  
12 partner resources director, Rachel.

13 Q. And what was it that they directed  
14 you to do or deliver in connection with the  
15 separation?

16 A. They said based on the results of  
17 whatever investigation audits, the decision had  
18 been made to separate Rafael. The separation  
19 notice had been drafted and it was being sent to  
20 me to deliver and separate his employment.

21 Q. Did you have any reaction at all when  
22 you were given that instruction?

23 MS. GOLDSTEIN: Objection.

24 A. I don't -- I don't want to comment on  
25 my reaction. I can't remember specifically what

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2 given to you?

3 A. Not that I recall.

4 Q. Did you have any questions about how  
5 to go about the process of effectuating the  
6 termination once you had the notice in hand?

7 A. I don't think I had any questions. I  
8 followed our standard protocol.

9 Q. And how did you go about effectuating  
10 the termination?

11 A. I reached out to a peer to come and  
12 accompany me as a witness, which was a normal  
13 practice. I had been a witness at another store  
14 manager's separation. I printed -- the separation  
15 notice itself gives you certain documents to print  
16 and tells you exactly what to say. I -- I  
17 followed that exact procedure.

18 Q. How long did the separation meeting  
19 take?

20 A. I don't remember specifics, but it  
21 wasn't that long. Maybe fifteen --

22 Q. When --

23 A. Maybe fifteen minutes to thirty  
24 minutes, maybe.

25 Q. Where did the meeting take place?

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2 A. In the back room of the West Broadway  
3 and Leonard store.

4 Q. Who was that peer who you brought as  
5 a witness?

6 A. Another district manager, Amanda  
7 Perstac.

8 Q. Was there any particular reason why  
9 you selected her?

10 A. I don't remember why I selected her  
11 at the time. I -- I don't remember. Actually,  
12 she was -- at the time, she was the district  
13 manager for the district that was adjoining mine  
14 so geographically she would have probably been the  
15 closest.

16 Q. Was it your choice to have Amanda  
17 Perstac as a witness or did somebody instruct you  
18 to have her?

19 MS. GOLDSTEIN: Objection.

20 A. No, that was me. That was my choice.

21 Q. Did you at any point in time ever  
22 receive any more detailed information concerning  
23 the finding of any audits into Fair Workweek  
24 compliance in your district?

25 MS. GOLDSTEIN: Objection.

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2 p.m.

3 MS. GOLDSTEIN: Sounds good.

4 THE WITNESS: Okay.

5 (Whereupon, there was a brief recess  
6 in the proceedings.)

7 Q. Mr. Hutchinson, did you communicate  
8 with anyone other than counsel during the break?

9 A. No.

10 Q. Do you read anything during the  
11 break?

12 A. No.

13 Q. During your tenure as a district  
14 manager in New York, did you ever make the  
15 decision yourself to terminate any store manager?

16 A. I did not.

17 Q. Did you ever provide input into the  
18 decision to terminate a store manager?

19 A. I did not provide input on any store  
20 manager who was separated.

21 Q. Is it your understanding that you  
22 would be eligible for reemployment at Starbucks  
23 were you to seek to become reemployed there?

24 MS. GOLDSTEIN: Objection.

25 A. I don't know that I'm allowed to